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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,593	09/29/2003	Jeff C. Morris	80107.042US1	4486
7590	08/17/2005		EXAMINER	
LeMoine Patent Services, PLLC c/o PortfolioIP P.O. Box 52050 Minneapolis, MN 55402				BHAT, ADITYA S
				ART UNIT 2863
				PAPER NUMBER

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/674,593	MORRISS ET AL.
	Examiner	Art Unit
	Aditya S. Bhat	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 June 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) 8,13 and 22 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7,9-12,14-21 and 23-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 13 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Drawings

The drawings were received on 6/13/2005. These drawings are accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being anticipated by Deas et al. (USPUB 2003/0043900) in view of the ARRL handbook for radio amateurs

With regards to claim 1, Deas et al. (USPUB 2003/0043900) teaches a method of testing a receiver comprising driving a signal from a variable source (1;figure 1) into a reference load; (figure 1) (page 4, paragraph 0057) adjusting the variable source (1;figure 1) to modify the signal to achieve a characteristic eye pattern; (page 4, paragraph 0047)

With regards to claim 2-3, Deas et al. (USPUB 2003/0043900) teaches the characteristic eye pattern comprises an eye voltage or an eye time. (page 3, paragraph 0045)

With regards to claim 4, Deas et al. (USPUB 2003/0043900) teaches driving the signal from a variable source into a reference load comprises modeling the variable source and reference channel. (11,13,17,21,27,31 &35; figure 1)

Deas et al. (USPUB 2003/0043900) does not appear to teach “replacing the reference load with the receiver and verifying the receiver output”

The ARRL handbook for radio amateurs teaches “replacing the reference load with the receiver and verifying the receiver output” (Page 25-21, paragraph titled dummy antennas, lines 1-27)

It would've been obvious to one skilled in the art at the time of the invention to in modify the Deas reference to include the step of “replacing the reference load with the receiver and verifying the receiver output” in order to test the receiver without picking up external noise and signals. (Page 25-21, paragraph titled dummy antennas, lines 11-12)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 5-7, 9-12, 14-21, 23-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Deas et al. (USPUB 2003/0043900).

With regards to claim 5, Deas et al. (USPUB 2003/0043900) teaches a method of testing a driver comprising :

driving a reference channel (page 5, paragraph 0064) with the driver, wherein the reference channel is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic; (figure 2-3) and

measuring at least one parameter at an output of the reference channel; (Figure 1) (page 3, paragraph 0072)

comparing a measurement against a requirement to determine if the driver passes a test (page 3, paragraph 0042)

With regards to claims 6, and 19 Deas et al. (USPUB 2003/0043900) teaches the method is performed by computer simulation. (Figure 4-7)

With regards to claims 7, and 21 Deas et al. (USPUB 2003/0043900) teaches the reference channel is specified by s-parameters. (figure 3)

With regards to claim 9 and 10, Deas et al. (USPUB 2003/0043900) teaches the reference channel is further specified by a maximum delay and a minimum delay. (figures 6-7)

With regards to claims 11-12, 17-18, and 27 Deas et al. (USPUB 2003/0043900) teaches the characteristic eye pattern comprises an eye voltage or an eye time. (page 3, paragraph 0045)

With regards to claim 14, Deas et al. (USPUB 2003/0043900) teaches a method comprising

coupling a device under test to a reference channel, wherein the reference channel is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic; (figure 2-3)

measuring at least one parameter at an output of the reference channel and (Figure 4-7)

comparing a measurement against a requirement to determine if the driver passes a test (page 3, paragraph 0042)

With regards to claims 15, and 25, Deas et al. (USPUB 2003/0043900) teaches the device under test comprises a receiver. (see figure 1)

With regards to claims 16, and 26, Deas et al. (USPUB 2003/0043900) teaches the device under test comprises a driver. (1, device A ;figure 1)

With regards to claim 20, Deas et al. (USPUB 2003/0043900) teaches the reference channel is defined by a set of reference channel parameters. (Page 1, paragraph 0011)

With regards to claim 23, Deas et al. (USPUB 2003/0043900) teaches the set of reference channel parameters comprises a delay value. (figure 5)

With regards to claim 24, Deas et al. (USPUB 2003/0043900) teaches an apparatus including a medium adapted to hold machine-accessible instructions that when accessed result in a machine performing:

coupling a device under test to a reference channel(20;see figure 1), wherein the reference channel is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic; (figure 2-3)

measuring at least one parameter at an output of the reference channel (figure 5) and

comparing a measurement against a requirement to determine if the driver passes a test (page 3, paragraph 0042)

With regards to claim 28, Deas et al. (USPUB 2003/0043900) teaches electronic system comprising:

a processor capable of simulating a circuit; (page 3, paragraph 0042) and

an SRAM storage medium accessible by the processor, the storage medium to hold instructions that when accessed result in the processor performing (page 3, paragraph 0042)

coupling a device under test to a reference channel (20; see figure 1), wherein the reference channel is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic; (figure 2-3)

measuring at least one parameter at an output of the reference channel. (Figure 5) and

comparing a measurement against a requirement to determine if the driver passes a test (page 3, paragraph 0042)

With regards to claim 29, Deas et al. (USPUB 2003/0043900) teaches the device under test comprises a receiver. (page 3, paragraph 0042)

With regards to claim 30, Deas et al. (USPUB 2003/0043900) teaches the device under test comprises a driver. (page 1, paragraph 0013)

Response to Arguments

Applicant's arguments filed 6/13/2005 have been fully considered but they are not persuasive.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not teach driving a reference channel with the driver wherein the reference channel is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic (figure 2-3), comparing a measurement against a requirement to determine if the driver passes a test (page 3, paragraph 0042), a reference channel (figure 1), the office action provides no motivation to combine the references (Page 25-21, paragraph titled dummy antennas, lines 11-12) and replacing a reference load with a receiver (Page 25-21, paragraph titled dummy antennas, lines 1-27)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abramovitch et al. (USPUB 2003/0063566) teaches identifying and synchronizing permuted channels in a parallel channel bit error rate tester.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
August 13, 2005

Carol S. W. Tsai

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